



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

Mr. J. Michael Bowen, Division Administrator
Federal Highway Administration
6111 SE 29th Street
Topeka, Kansas 66614-4271

Dear Mr. Bowen:

RE: Draft Environmental Impact Statement (EIS) and Section 4(f) Evaluation
US 59 – Amelia Earhart Memorial Bridge over the Missouri River
Atchison, Kansas to US59/State Route 45 Intersection in Buchanan County,
Missouri

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the US59 – Amelia Earhart Memorial Bridge Project. Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act (CAA). The DEIS was assigned the Council on Environmental Quality (CEQ) number 20050481.

Based on our overall review and the level of our comments, the EPA has rated the DEIS for this project LO (Lack of Objections). A copy of EPA's rating descriptions is provided as an enclosure to this letter.

The following comments are offered to address and minimize potential environmental impacts of the project:

Existing Bridge

We recommend that the Final EIS (FEIS) include a thorough discussion of the fate of the existing bridge. The major environmental concern relates to deteriorating lead paint on the existing bridge and the potential for contamination at the existing location if rehabilitated, or during removal and in the new location, if relocated. Removal of lead based paint for any purpose, (i.e. to provide access for torch demolition or rivet removal) may generate waste that could be regulated under the Resource Conservation and Recovery Act (RCRA). To determine the applicability of RCRA for this project, we recommend contacting the Kansas Department of Health and the Environment (785)296-1600 and the Missouri Department of Natural Resources at (573) 751-3176.

We also recommend that the FEIS include a discussion of the potential demolition techniques for the replacement alternative. This discussion should include an analysis of the specific environmental issues that are unique to each demolition method and any associated worker safety issues or hazardous waste implications.

Construction Impacts

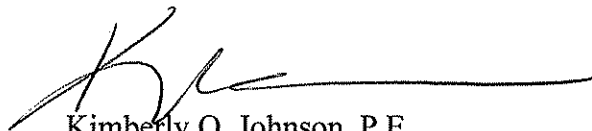
We recommend that the FEIS include information pertaining to any potential need for delay or detouring of rail service during construction, rehabilitation and/or demolition of the existing bridge. If potential impacts to rail service are identified, we recommend coordinating with rail companies utilizing these lines to minimize disruption in service.

Cumulative Impacts

We request that the FEIS provide a determination of whether the proposed project impacts are significant when considered in conjunction with the other resource impacts from past, present and reasonably foreseeable projects in the area that impact each resource. If the cumulative impacts analysis shows significant cumulative impacts, mitigation measures should be provided.

We appreciate the opportunity to provide comments regarding this project and your DEIS. If you have any questions or concerns, please contact me at (913) 551-7975.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Johnson', with a long horizontal flourish extending to the right.

Kimberly O. Johnson, P.E.
NEPA Reviewer
Environmental Services Division

Enclosure

cc: James O. Brewer, P.E., KDOT
Kevin Keith, MDOT

Draft Environmental Impact Statement Rating Definitions

Environmental Impact of the Action

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.